

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>In re Application of</b>	:	
Gibson	:	<b>Examiner:</b> Jessica L. Laux
<b>Serial No. 10/553,290</b>	:	
<b>Filed:</b> November 17, 2005	:	<b>Art Unit:</b> 3635
<b>TITLE:</b> BUILDING CONSTRUCTION	:	
<b>Confirmation number:</b> 8635	:	
<b>Client reference number:</b> P1450USA	:	
<b>Mail stop:</b> Appeal Brief-Patents	:	

Date: October 29, 2010

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL**  
**BRIEF AND SUPPLEMENTAL SUMMARY OF CLAIMED SUBJECT MATTER**  
( IN RESPONSE TO THE NON-COMPLIANT APPEAL BRIEF MAILED October 14, 2010)

Assistant Commissioner for Patents  
P.O. BOX 1450  
ALEXANDRIA, VA 22131-1450

Dear Sir or Madam:

This paper is submitted in response to the Notification of Non-Compliant Appeal Brief filed October 5, 2010, in the above-identified patent application, which is under appeal.

It is further submitted that this response is timely filed within the one-month period set out in the Notification from the October 14, 2010, the mailing date of the Notification. No fee is believed to be due at this time. If any fees are required, please charge them to Deposit Account No. 503321 and notify us of the same.

Also, in accordance with the procedure stated at M.P.E.P § 1205.03, this paper is submitted to be supplemental to the Appeal Brief filed by the Applicant on October 5, 2010, without submission of an entire new brief.

**Supplemental Summary of claimed Subject Matter including references to the Specification**

The following additional summary of the claimed subject matter is provided to be supplemental to the descriptive material provided in applicant's Appeal brief filed on October 5, 2010.

The pending claims, presented on appeal, are directed to a building construction which has a main portion, a roof portion and a floor portion, the roof and floor portions being attached to the main portion by way of pivot connections. The building construction is formed so that it can be arranged substantially in the shape of a box-like freight container in which the roof portion and/or the floor portion provide(s) structural integrity. The structural integrity is sufficient so that the building construction can be picked up by a crane, and/or arranged in a freight vehicle with a normally loaded freight container on top of it, without causing structural damage to the building construction. The building construction is also formed so that it can be freighted and subsequently assembled by swinging the floor and roof portions out from the main portion by way of the pivot connections so that the roof and floor portions become at least part of the roof and floor of the assembled building construction.

Independent claim 1 of the present application is supported by the specification, wherein it stated, for example, in the specification ([page 1, lines 22-25] and [page 4, lines 18-26; page 5, lines 1-10]) of the filed patent application as follows:

According to one aspect of the invention there is provided a building construction having a main portion, a roof portion, and a floor portion, the roof portion and the floor portion each being attached to the main portion by way of a respective pivot connection or connections, the building construction being formed so that the main portion, the roof portion and the floor portion can be arranged with respect to one another such that the building construction is substantially in the shape of a box-like freight container in which the roof portion and/or the floor portion provide(s) structural integrity, the structural integrity being such that the building construction can be picked up by a crane, and/or

arranged in/on a freight vehicle with a normally loaded freight container on top of it, in either case without causing structural damage to the building construction, and wherein the building construction can, after being freighted to a desired site, be assembled by swinging the roof portion out from the main portion, and by swinging the floor portion out from the main portion, not necessarily in that order, but in each case by way of the pivot connections, such that the roof and floor portions become at least part of the roof and floor of the building construction respectively when the building construction is installed on site. This part is present in the specification at, for example, [page 2, lines 10-25].

According to a further aspect of the invention there is provided a building construction having a main portion, a roof portion, and a floor portion, the roof portion and the floor portion each being attached to the main portion by way of a respective pivot connection or connections, the building construction being formed such that the main portion, the roof portion and the floor portion can be arranged with respect to one another such that the building construction is substantially in a disassembled box-like shape which can be freighted to a desired site, the building construction being formed such that when it is on site it can be assembled by swinging the roof portion out from the main portion, and by swinging the floor portion out from the main portion, not necessarily in that order, but in each case by way of the respective pivot connections, such that the roof and floor portions become at least part of the roof and floor of the building construction respectively when the building construction is installed on site, the building construction being formed such that when the roof portion is swung out to an installed position by way of its pivot connection the position of contact between the roof portion and the main portion is inherently overhung on both sides of that position of contact by the roof portion to substantially assist in resisting rain water entering the building construction when the building construction is completely installed. In this aspect of the invention the building construction may incorporate any or all of the other features, abilities, and arrangements mentioned previously. This part is present in the specification at, for example, [page 4, lines 18-26; page 5, lines 1-10].

Independent claim 14 of the present application is supported by the specification, wherein it stated, for example, in the following paragraphs ([page 2, lines 10-25], [page

3, lines 9-11], [page 3, lines 13-15], and [page 4, lines 18-26; page 5, lines 1-10]) of the filed patent application as follows:

According to one aspect of the invention there is provided a building construction having a main portion, a roof portion, and a floor portion, the roof portion and the floor portion each being attached to the main portion by way of a respective pivot connection or connections, the building construction being formed so that the main portion, the roof portion and the floor portion can be arranged with respect to one another such that the building construction is substantially in the shape of a box-like freight container in which the roof portion and/or the floor portion provide(s) structural integrity, the structural integrity being such that the building construction can be picked up by a crane, and/or arranged in/on a freight vehicle with a normally loaded freight container on top of it, in either case without causing structural damage to the building construction, and wherein the building construction can, after being freighted to a desired site, be assembled by swinging the roof portion out from the main portion, and by swinging the floor portion out from the main portion, not necessarily in that order, but in each case by way of the pivot connections, such that the roof and floor portions become at least part of the roof and floor of the building construction respectively when the building construction is installed on site. This part is present in the specification at, for example, [page 2, lines 10-25].

Optionally the roof portion or portions can be outside of the respective floor portion or portions, as the case may be, when the building construction is in a disassembled state. This part is present in the specification at, for example, [page 3, lines 9-11].

Optionally the floor portion or portions can be outside of the respective roof portion or portions, as the case may be, when the building construction is in a disassembled state. This part is present in the specification at, for example, [page 3, lines 13-15].

According to a further aspect of the invention there is provided a building construction having a main portion, a roof portion, and a floor portion, the roof portion and the floor portion each being attached to the main portion by way of a respective pivot

connection or connections, the building construction being formed such that the main portion, the roof portion and the floor portion can be arranged with respect to one another such that the building construction is substantially in a disassembled box-like shape which can be freighted to a desired site, the building construction being formed such that when it is on site it can be assembled by swinging the roof portion out from the main portion, and by swinging the floor portion out from the main portion, not necessarily in that order, but in each case by way of the respective pivot connections, such that the roof and floor portions become at least part of the roof and floor of the building construction respectively when the building construction is installed on site, the building construction being formed such that when the roof portion is swung out to an installed position by way of its pivot connection the position of contact between the roof portion and the main portion is inherently overhung on both sides of that position of contact by the roof portion to substantially assist in resisting rain water entering the building construction when the building construction is completely installed. In this aspect of the invention the building construction may incorporate any or all of the other features, abilities, and arrangements mentioned previously. This part is present in the specification at, for example, [page 4, lines 18-26;page 5, lines 1-10].

Independent claim 18 of the present application is supported by the specification, wherein it stated, for example, in the following paragraphs ([page 1, lines 22-25], [page 2, lines 10-25], [page 3, lines 9-11], [page 3, lines 13-15], and [page 4, lines 18-26;page 5, lines 1-10]) of the filed patent application as follows:

This invention relates to a building construction. A particularly preferred form of the invention relates to a building construction which is at least initially transportable and substantially in the shape of a freight container, and which can be assembled to provide a shelter, for example a dwelling. This part is present in the specification at, for example, [page 1, lines 22-25].

According to one aspect of the invention there is provided a building construction having a main portion, a roof portion, and a floor portion, the roof portion and the floor portion each being attached to the main portion by way of a respective pivot connection or connections, the building construction being formed so that the main portion, the roof

portion and the floor portion can be arranged with respect to one another such that the building construction is substantially in the shape of a box-like freight container in which the roof portion and/or the floor portion provide(s) structural integrity, the structural integrity being such that the building construction can be picked up by a crane, and/or arranged in/on a freight vehicle with a normally loaded freight container on top of it, in either case without causing structural damage to the building construction, and wherein the building construction can, after being freighted to a desired site, be assembled by swinging the roof portion out from the main portion, and by swinging the floor portion out from the main portion, not necessarily in that order, but in each case by way of the pivot connections, such that the roof and floor portions become at least part of the roof and floor of the building construction respectively when the building construction is installed on site. This part is present in the specification at, for example, [page 2, lines 10-25].

Optionally the roof portion or portions can be outside of the respective floor portion or portions, as the case may be, when the building construction is in a disassembled state. This part is present in the specification at, for example, [page 3, lines 9-11].

Optionally the floor portion or portions can be outside of the respective roof portion or portions, as the case may be, when the building construction is in a disassembled state. This part is present in the specification at, for example, [page 3, lines 13-15]

According to a further aspect of the invention there is provided a building construction having a main portion, a roof portion, and a floor portion, the roof portion and the floor portion each being attached to the main portion by way of a respective pivot connection or connections, the building construction being formed such that the main portion, the roof portion and the floor portion can be arranged with respect to one another such that the building construction is substantially in a disassembled box-like shape which can be freighted to a desired site, the building construction being formed such that when it is on site it can be assembled by swinging the roof portion out from the main portion, and by swinging the floor portion out from the main portion, not necessarily in

that order, but in each case by way of the respective pivot connections, such that the roof and floor portions become at least part of the roof and floor of the building construction respectively when the building construction is installed on site, the building construction being formed such that when the roof portion is swung out to an installed position by way of its pivot connection the position of contact between the roof portion and the main portion is inherently overhung on both sides of that position of contact by the roof portion to substantially assist in resisting rain water entering the building construction when the building construction is completely installed. In this aspect of the invention the building construction may incorporate any or all of the other features, abilities, and arrangements mentioned previously. This part is present in the specification at, for example, [page 4, lines 18-26; page 5, lines 1-10].


### **CONCLUSION**

The above further description of the claimed subject matter provided with specific references to the subject specification is believed to overcome the objection to Applicant's Appeal Brief filed October 5, 2010 as being non-compliant. Consideration of Applicant's Appeal Brief taken with the above further information is believed proper and respectfully requested.

Should any official at the United States Patent and Trademark Office deem that any further action by the Applicant or Applicant's undersigned representative is desirable and/or necessary, the official is invited to telephone the undersigned at the number set forth below.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17 or credit any overpayment, to deposit account No. 503321. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, or otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 503321.

Respectfully submitted,

By:   
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